

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**JOAN FAULK OWENS and KAREN
LYNN HUBBARD,**

Plaintiffs,

v.

**STATE OF ALABAMA
DEPARTMENT OF MENTAL
HEALTH AND MENTAL
RETARDATION, et al.,**

Defendants.

CASE NO.2:07-cv-650

**NOTICE OF APPEARANCE AND MOTION FOR EXTENSION OF TIME IN
WHICH TO RESPOND**

1. The undersigned, Courtney W. Tarver, a Deputy Attorney General and General Counsel for the Alabama Department of Mental Health and Mental Retardation (hereinafter referred to as DMH/MR), enters an appearance of counsel for each defendant named in this cause.

2. The named defendants, through counsel, move this court to grant an extension of time in which to respond to this complaint for up to 60 days from the service of the original complaint upon each defendant and in support of this motion offer the following:

3. DMH/MR is a department of the State of Alabama and each individual named as a defendant in this cause is a past or present official of DMH/MR;

4. In accord with State of Alabama law and policies, the undersigned has been notified of the defendants' being sued and has requested of the Alabama Attorney General that counsel be appointed to represent each of the defendants;

5. Such counsel is in the process of being selected and assigned, however, that process has not yet been completed;
6. The defendants have been served by mail with the summons, original complaint, and subsequently, an amended complaint;
7. While the plaintiffs have not requested waiver of service in accord with Fed.R.Civ.P., Rule 4(d)(2), in similar cases, the undersigned customarily waives service and does so in this case;
8. In accord with the above rule, such waiver would entitle defendants to up to 60 days in which to respond;
9. The undersigned has informed plaintiff's counsel of defendants' intent to file this motion and plaintiff's counsel does not object;

WHEREFORE, defendants move the court to grant an extension of time of up to sixty (60) days from their receipt of the summons and complaint, as amended, in which to respond thereto.

Respectfully submitted, this the 9th of August, 2007.

TROY KING (KIN047)
ATTORNEY GENERAL

/s/ Courtney W. Tarver _____
COURTNEY W. TARVER (TAR009)
DEPUTY ATTORNEY GENERAL &
GENERAL COUNSEL, DMH/MR
Department of Mental Health & Mental
Retardation, 100 N. Union St.,
Montgomery, AL 36130-1410
Phone: 334-242-3038
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Email: courtney.tarver@mh.alabama.gov

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 9th day of August, 2007, served the undersigned by filing this Notice of Appearance and Motion for Extension of Time in Which to Respond electronically with the court's CMECF system, thereby serving:

J. Flynn Mozingo
Melton, Espy & Williams, P.C.
P.O. Drawer 5130
Montgomery, AL 36103-5130

/s/ Courtney W. Tarver
COURTNEY W. TARVER